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PATENTS

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on January 30, 2002

[Signature]
Bruce S. Londa

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Docket No: 101195-48

Examiner :

Group Art Unit

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FEB 25 2002

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Applicant : Ute Heim et al.

Appln. No. : 09/841,083
(831,083)

Filed : May 2, 2001

For : New Expression Cassette for Expression of Arbitrary Genes in Plant Seeds

INFORMATION DISCLOSURE STATEMENT

Hon. Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

The following sections are being submitted for this Information Disclosure Statement:

- Sec. 1 - Preliminary Statements
- Sec. 2 - Identification of Time of Filing
- Sec. 4 - Statements with Respect to Listing of Information
- Sec. 5 - Statements with Respect to Translations of Non-English Information
- Sec. 6 - Statements with Respect to Copies of Listed Information Items Accompanying This Statement
- Sec. 8 - Concise Explanation of Listed Information Items

Section 1
Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56 it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(b) the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

Section 2
Identification of Time of Filing

This Information Disclosure Statement is filed before the issuance of the first official action.

The art was cited in the specification of the present application.

Section 4
Statements with Respect to Listing of Information

A list of the patents and publications is set forth on the attached 5 pages of Form PTO-1449 (modified).

a) Canadian patent application no. CA 2246242 in the English language is believed to be the equivalent of German patent application no. 196 04 588.6.

Section 5
Statements with Respect to Translations of
Non-English Information

No English language translations of the foreign language patents, publications or information or parts thereof are readily available.

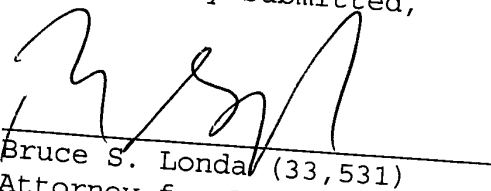
Section 6
Statements with Respect to Copies of Listed Information
Items Accompanying This Statement

A copy of each of the items on PTO-1449 (modified) is supplied herewith.

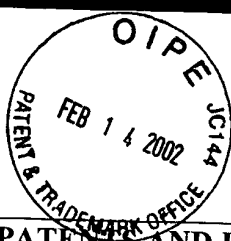
Section 8
Concise Explanation of Listed Information Items

A concise explanation of the items listed on PTO-1449 (modified) is not given for the non-English German patent application no. 196 04 588. However, Canadian patent application no. CA 2246242 is believed to be an equivalent of this German patent application. A copy of the Canadian patent application is attached to the German patent application.

Respectfully Submitted,



Bruce S. Londa (33,531)
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LIST OF PATENTS AND PUBLICATIONS
APPLICANT'S INFORMATION
DISCLOSURE STATEMENT
(Form PTO-1449 Modified)

Attorney Docket:
101195-48

Serial No.
09/831,083

Applicant:
Ute Heim et al.

Filing Date:
May 2, 2001

Group:

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U.S. PATENT DOCUMENTS

| Examiner's Initial | Document Number | Date | Name | Class | Sub Class | Filing Date If appropriate |
|--------------------|-----------------|--------|---------------|-------|-----------|-------------------------------|
| AA | 5 5 0 4 2 0 0 | 4/1996 | T.Hall et al. | 800 | 298 | |
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FOREIGN PATENT DOCUMENTS

| Document Number | Date | Country | Class | Sub Class | Translation Yes No |
|-----------------|--------|---------|-------|-----------|-----------------------|
| AL 196 04 588 | 8/1997 | Germany | | | |
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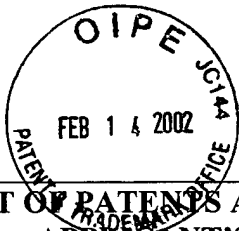
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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|----|---|
| AR | M. Koziel, et al.; A Cauliflower Mosaic Virus Promoter Directs Expression of Kanamycin Resistance in Morphogenic Transformed Plant Cells; Journal of Molecular and Applied Genetics; 1984, pgs. 549-562 |
| AS | R. Goldberg; Regulation of Plant Gene Expression; Phil.Trans.R.Soc. Lond, 1986; pgs. 343-353 |
| AT | M. Bevan; Binary Agrobacterium Vectors for Plant Transformation; Nucleic Acids Research, Vol. 12, No. 22 1984; pgs. 8711-8720 |

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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|----|--|
| AR | D. Becker et al.: New Plant Binary Vectors with Selectable Markers Located Proximal to the Left T-DNA Border; Plant Molecular Biology 20: 1992, pgs. 1195-1197 |
| AS | D. Hanahan; Studies on Transformation of Escherichia Coli with Plasmids; J.Mol.Biol. 166; 1983; pgs. 557-580 |
| AT | E. Hood, et al.; New Agrobacterium Helper Plasmids for Gene Transfer to Plants; Transgenic Research 2, 1993; pgs 208-218 |

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|----|---|
| AR | H. Baumlein et al.; A Novel Seed Protein Gene from Vicia faba is Developmentally Regulated in Transgenic Tobacco and Arabidopsis Plants; Mol.Gen.Genet 1991; pgs. 459-467 |
| AS | T. Pickardt et al.; Transformation of Vicia narbonensis via Agrobacterium-mediated Gene Transfer; Plant Cell Reports 1991; pgs. 535-538 |
| AT | R. Jefferson; Assaying Chimeric Genes in Plants: The GUS Gene Fusion System; Plant Molecular Biology Reporter; Vol. 5, No. 4 1987 pgs. 387-405 |

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| AR | H. Grimes et al.; A 62-kD Sucrose Binding Protein is Expressed and Localized in Tissues Actively Engaged in Sucrose Transport; The Plant Cell. Vol. 4; 1992; pgs. 1561-1574 |
| AS | L.Herrera-Estrella; et al.; Expression of Chimaeric Genes Transferred into Plant Cells Using a Ti-plasmid-derived Vector; Nature. Vol. 303, 1983; pgs. 209-213 |
| AT | J. Velton et al.; Isolation of a Dual Plant Promoter Fragment from the Ti Plasmid of Agrobacterium tumefaciens; The EMBO Journal, Vol. 3, No. 12; 1984; pgs. 2723-2730 |

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| AR | C. Yanisch-Perron; Improved M13 Phage Cloning Vectors and Host Strains: Nucleotide Sequences of the M13mp18 and pUC19 Vectors; Gene, 33 1985; pgs. 103-119 |
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